



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,442	02/07/2000	Frank Greer	0908-cc	1282

7590

03/03/2003

Robert P. Bell  
Kile McIntyre Harbin & Lee  
8033 Washington Road  
Alexandria, VA 22308

EXAMINER

NGUYEN, NHON D

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/499,442

Applicant(s)

GREER ET AL.

Examiner

Nhon (Gary) D Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/07/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Specification***

1. The disclosure is objected to because of the following informalities:
  - a) Page 29/line 23: the phrase “set-top box 80” should be changed to – set-top box 81 –
  - b) Page 34/line 18: “is a user wants to watch” should be changed to – if a user wants to watch –
  - c) Page 40/line 6: “a optimal quality output” should be changed to – an optimal quality output –
  - d) Page 30/line 16: “PC operation” should be changed to – PC operation 105 –
  - e) Fig. 2A, MEDIUM 193 is not mentioned in the description.Appropriate correction is required.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig. 2A, MEDIUM 193. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.  
Correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2174

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "said user interface" in page 44, line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 is dependent on claim 18.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claim 1, 2, 4, 5, 7, 13, 16-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by LaJoie et al. ("LaJoie", US #5,850,218).

As per independent claim 1, LaJoie teaches a user interface for use with a computer system (abstract; *the set-top terminal incorporates a central processing unit*), said user interface comprising:

Selecting means for selecting from a list of predetermined applications (col. 29, lines 5-16; *highlighting and selecting*).

Art Unit: 2174

A conflict map containing a list of conflicts between the list of predetermined applications (col. 29, lines 17-19);

Conflict checking means, coupled to the selecting means and the conflict map, for receiving the selection signal, determining from the selection signal and the conflict map whether a potential conflict could occur (col. 29, lines 20-23), and outputting a display message if a determination is made that a potential conflict could occur (col. 29, lines 30-32).

As per claim 2, which is dependent on claim 1, LaJoie teaches selecting means comprises a remote control (col. 4, lines 54-55).

A system with a remote control would have an input device interface, for receiving signals from the remote control and converting the signals from the remote control into command signals.

As per independent claim 4, it is a similar scope to claim 1; therefore, it should be rejected under similar rationale.

As per claim 5, which is dependent on claim 4, wherein said step of outputting a display message further comprises the step of:

Prompting a user to select another application if determination is made that a potential conflict could occur (col. 29, lines 30-32; col. 21, line 30-col. 22, line 5).

As per independent claim 7, LaJoie teaches a method for selecting one of at least two predetermined device application modes in a television set-top system (abstract; *the set-top terminal incorporates a central processing unit*), comprising the steps of:

Selecting a first device application mode from a predetermined menu of device application modes, which menu includes at least two such predetermined device application

Art Unit: 2174

modes. The first device application mode in this case is programs selected from the Direct Broadcast Satellite System (DBSS, col. 2, lines 21-25; first device application mode).

Determining whether a second of said at least two such predetermined device application modes is active. Since this is a television system that receives DBSS through a converter box, it assumes to have a capability of receiving programs from Local Network Broadcast Antenna (LNBA, second device application mode). If LNBA were in use (active), in this case the system would determine whether LNBA is active.

Initiating television presentation of activities relating to first device application mode. Browse information banner of fig. 8 would show this.

As per claim 13, which is dependent on claim 7, wherein step of selecting comprises the step of selecting with a remote control device (col. 4, lines 53-55; fig. 3, Remote 59, col. 14, line 66).

As per independent claim 16, it is a similar scope to claim 7; therefore, it should be rejected under similar rationale.

As per claim 17, which is dependent on claim 16, it is a similar scope to claim 1; therefore, it should be rejected under similar rationale.

As per claim 18, which is dependent on claim 17, it is a similar scope to claim 2; therefore, it should be rejected under similar rationale.

As per independent claim 20, it is a similar scope to claim 7; therefore, it should be rejected under similar rationale. In addition, the fact that LaJoie includes a computer system, it would have a computer program with computer code.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie.

As per claim 3, which is dependent on claim 2, LaJoie does not disclose the specifics of the remote control and the converter in the set-top system. Examiner takes official notice that it is well known that a remote control comprises infrared signals and that these signals would have to be converted to USB signals in the set-top system by the converter. It would have been obvious to an artisan at the time of the invention to use the teaching of a remote control using infrared signals and the converter to convert to USB signals in the set-top system of LaJoie so that it could control multiple devices connected to the system.

As per claim 19, which is dependent on claim 18, it is a similar scope to claim 3; therefore, it should be rejected under similar rationale.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie in view of Lee (US #6,204,884).

As per claim 6, which is dependent on claim 5, LaJoie does not show determining whether a television or a computer monitor has been connected to the computer system, and selecting hardware in a video output device in the computer system to engage alternate video ports to produce an optimal quality output in response to said determining step. Lee disclose a

Art Unit: 2174

multisystem TV which can be used as a PC monitor and enable viewing of the NTSC, DBS, and HDTV broadcasting (col. 1, lines 48-51), and selecting hardware in a video output device in the computer system to engage alternate video ports to produce an optimal quality output (col. 1, lines 56-67; col. 2, lines 1-13). It would have been obvious to an artisan at the time of the invention to use the teaching of determining whether a television or a computer monitor has been connected to the computer system, and selecting hardware in a video output device in the computer system to engage alternate video ports to produce an optimal quality output in LaJoie's system since it would allow the system to select the optimal quality output in response to whether a television or a computer monitor has been connected to the computer system.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie in view of Farleigh (US #6,208,388).

As per claim 8, which is dependent on claim 7, LaJoie does not show halting the second of said at least two such predetermined device application modes upon initiation of the first device application mode. Farleigh discloses in fig. 3 (SS1 62, and SS2 61), a television system that can receive programs from Direct Broadcast Satellite Dish (DBSD, first device application mode) and programs from Local Network Broadcast Antenna (LNBA, second device application mode). This system employs an Automatic Channel Response Input Selection switch, which can automatically switch between DBSD programs and local LNBA programs (fig. 3, automatic channel response input selection switch 26). Upon switching to DBSD programs (first device application mode) from LNBA programs (second device application mode), and if LNBA programs were still active, the LNBA programs would be halted. It would have been obvious to an artisan at the time of the invention to use the teaching of halting the second device application



Art Unit: 2174

mode upon initiation of the first device application mode in LaJoie's system so that only one active device application mode is active at a time.

11. Claim 9, 10, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie in view of Klosterman et al ("Klosterman", US #5,940,073).

As per claims 9 and 10, which are both dependent on claim 7, LaJoie does not show minimizing the second application mode. Klosterman discloses in fig. 6(d) and col. 9, lines 54-58 minimizing an application mode (in form of "picture in picture") when a new application mode is initiated. It would have been obvious to an artisan at the time of the invention to use the teaching of minimizing one application mode when an additional application mode is initiated in LaJoie's system since it would allow the user to see both applications at the same time on the screen.

As per claim 11, which is dependent on claim 10. Klosterman discloses in fig. 6(d) selected window (688) is subordinated in a web browser environment (680).

As per claim 12, which is dependent on claim 11, LaJoie does not show presenting a control panel for setting operating parameters for the second device application mode within a selected window. Klosterman discloses presenting a control panel (col. 2, line 36, *and an on screen menu with cursor or pointer control*) for setting operating parameters for the second device application mode within a selected window (col. 2, lines 26-67 and col. 3 lines 1-9). It would have been obvious to an artisan at the time of the invention to use the teaching of presenting a control panel for setting operating parameters for the second device application mode within a selected window in LaJoie's system since it would give user a means for setting

Art Unit: 2174

operating parameters for the second device application mode, which would give the same flexibility as if this was not minimized.

12. Claim 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie in view of Sciammarella et al ("Sciammarella" US # 6,320,599).

As per claim 14, which is dependent on claim 7, LaJoie does not show step of selecting comprises the step of selecting through an on-screen emulation of a remote control device. Sciammarella discloses in col. 4, lines 49-50 a touch screen used as an input device. It would have been obvious to an artisan at the time of the invention to use the teaching of Sciammarella of a touch screen, in place of the remote control, in LaJoie's system since they are known equivalent input devices.

As per claim 15, which is dependent on claim 7, LaJoie does not show step of selecting is made by clicking a mouse over an active portion of a screen image of a control panel image. Sciammarella discloses in col. 4, lines 49-50 a mouse used as an input device. It would have been obvious to an artisan at the time of the invention to use the teaching of Sciammarella of a mouse in place of the remote control in LaJoie's system since they are known equivalent input devices.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S Pat. No. 6,182,094 to Humpleman et al discloses programming tool for home networks with an HTML page for a plurality of home devices.

Art Unit: 2174

U.S. Pat. No. 6,084,638 to Hare et al. discloses computer interface extension system and method.

U.S. Pat. No. 5,787,259 to Haroun et al discloses Digital interconnects of a PC with consumer electronic devices.

U.S. Pat. No. 6,177,963 to Foye et al discloses video signal distribution system.

U.S. Pat. No. 6,359,636 to Schindler et al discloses graphical user interface for control of a home entertainment system.

U.S. Pat. No. 5,815,631 to Sugiyama et al discloses apparatus and method for controlling an audio video system.

U.S Pat. No. 6,163,316 to Killian discloses electronic programming system and method.

### **Inquires**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is None.

The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kistine L Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/499,442

Page 11

Art Unit: 2174

Nhon (Gary) D. Nguyen

Patent Examiner

August 11, 2003